

SENATE BILL 3811
By Kilby

AN ACT to amend Tennessee Code Annotated, Title 8,
Chapter 10, Part 2; Title 8, Chapter 10, Part 1 and
Title 55, Chapter 9, Part 4, relative to constables.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Uniform Constable Accountability Act of 2006".

SECTION 2. Tennessee Code Annotated, Section 8-10-101, is amended by deleting the section in its entirety and by substituting instead the following language:

§8-10-101.

(a)

(1) Two (2) constables shall be elected by the qualified voters in the civil district of each county which includes the county town, and one (1) in every other civil district of the county, each of whom shall hold office for two (2) years, and until the qualification of a successor. A constable may only be abolished according to the recall provisions of §2-5-151.

(2) All constables elected to a four-year term, as permitted by the procedure established in this subsection (a), before July 1, 1983, are declared validly elected and shall have the powers and duties established in this chapter and otherwise established by law.

(3) Notwithstanding any other provision of law to the contrary, all ninety-five (95) county municipalities, in conjunction with the next regularly scheduled elections that occur two (2) years prior to or after the election for each respective constable, shall pose

on the ballot the following language: "Vote 'yes' or 'no' to the following question:
Shall (name of county) County retain the elected state office of constable.

SECTION 3. Tennessee Code Annotated, Section 8-10-102, is amended by deleting the section in its entirety and by substituting instead the following language:

§8-10-102.

(a) After January 1, 2007, to qualify for election or appointment to the office of constable, a person shall:

- (1) Be at least twenty-one (21) years of age;
- (2) Be a qualified voter of the district;
- (3) Be able to read and write;
- (4) Have obtained a high school diploma or its equivalent in educational training as recognized by the Tennessee state board of education;
- (5) Not have been convicted in any federal or state court of a felony;
- (6) Not have been convicted of domestic violence;
- (7) Be fingerprinted and have the Tennessee bureau of investigation make a search of local, state and federal fingerprint files for any criminal record. Fingerprints are to be taken under the direction of the Tennessee bureau of investigation. It shall forward all criminal history results to the county election commission for evaluation of qualifications;
- (8) Not have been separated or discharged from the armed forces of the United States with other than an honorable discharge; and
- (9) Have been certified by a qualified professional in the psychiatric or psychological fields to be free of all apparent mental disorders.

(b) Any person seeking the office of constable shall file with the county election commission, along with the nominating petition, an affidavit signed by the candidate

affirming that the candidate meets the requirements of this section. In the event that person seeks election to the office of constable by the county legislative body to fill a vacancy in office, the same affidavit shall be filed with the county clerk prior to the election.

SECTION 4. Tennessee Code Annotated, Section 8-10-106, is amended by deleting the language "The bond shall be in a penalty of not less than four thousand dollars (\$4,000) nor more than eight thousand dollars (\$8,000), at the discretion of the body," and by substituting instead the language "The bond shall be in a penalty of not less than twenty-five thousand dollars (\$25,000), or in a greater sum as the county legislative body may determine,".

SECTION 5. Tennessee Code Annotated, Section 8-10-119, is amended by deleting the section in its entirety and by substituting instead the following language:

§8-10-119.

(a) All constables shall wear the official uniform of the type and design with the insignias of the Tennessee constable as described in subsection (b).

(b) The official uniform for the constable shall consist of:

(1) Taupe pants with a one-inch wide brown stripe running vertically down each side of the pants;

(2) Shirts of either dark brown or white, at the discretion of the constable, displaying proper identification and a uniform badge of a design approved by the Tennessee association of constables;

(3) A necktie of either taupe or brown, at the discretion of the constable;
and

(4) Black leather gear and black shoes. Western-type belts, holsters and tie-downs are prohibited.

(c) The provisions of this section do not apply in any county which has removed from constables any law enforcement powers.

SECTION 6. Tennessee Code Annotated, Section 8-10-120, is amended by deleting the section in its entirety and by substituting instead the following language:

§8-10-120.

(a)

(1) Constable patrol cars shall display conspicuous markings of at least one and one-half inches (1 ½") in height and fifteen inches (15") in width with the word "Constable" on both sides of the vehicle.

(2) Constable patrol cars may be white with a brown stripe running horizontally along the upper side. This color scheme shall not be used by any other state or local law enforcement official or agency; provided, that any state or local law enforcement official or agency that is using such color scheme on March 29, 1996, may continue to use such color scheme. When adopted for use by a county constable, the stripe design and other emblems and lettering shall conform to the official uniform markings adopted by the Tennessee association of constables.

(3) On or after July 1, 2010, all constable patrol cars shall be white.

(b) Constable patrol cars which conform to the description in subsection (a), which are authorized as provided in §55-9-414, and which are used as emergency vehicles, may be equipped with blue lights and/or red lights and sirens.

(c) Nothing in this section shall prohibit a county constable from operating unmarked cars for other law enforcement purposes.

(d) Any constable operating a patrol car and using the lights described in this section must have graduated from the last calendar date in-service training required by §8-10-202.

(e) Each constable shall be responsible for all costs in marking patrol cars.

SECTION 7. Tennessee Code Annotated, Section 8-10-202, is amended by deleting the section in its entirety and by substituting instead the following language:

§8-10-202.

(a) Each constable shall complete forty (40) hours of in-service course time by June 1 of the year following the constable's election and forty (40) hours of in-service training by June 1 of each subsequent year during the term for which the constable was elected.

(b) The training required by this section shall be made available by the Tennessee association of constables to allow for the completion of training prior to June 1 of each calendar year and the issuance of a certificate of such training to the constable no later than June 15 immediately following. The Tennessee bureau of investigation shall approve certification standards.

(c) Upon receipt of a certificate of training issued by the Tennessee association of constables, the constable shall immediately file a copy of the certificate with the county clerk in which the constable serves. Failure to file the certificate of training with the county clerk by June 30 of each year shall subject such constable to vacation of office of constable by that constable.

(d) Constables who fail to adhere to the provisions of this act shall face discipline action by the Tennessee Constables Disciplinary Board. The board shall be made up of the following representatives: two (2) members from the Tennessee Constable Council, two (2) members from the Tennessee Constables

Association, a representative from the county commission, a representative from the local sheriff's office, and a non-elected, non-law enforcement citizen representative selected by the county commission.

SECTION 8. This act shall take effect July 1, 2006, the public welfare requiring it.